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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/833,648

04/13/2001

C. Gomer Thomas

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2292

7590

03/31/2004

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EXAMINER

HSIA, SHERRIE Y

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/31/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,648

Applicant(s)

THOMAS ET AL.

Examiner

Sherrie Hsia

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-12, 15, 16, 18-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 13, 14, 17, 21 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/20/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

OR

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 10-12, 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Deparis (4630266).

As to claims 1 and 22, Deparis discloses the claimed subject matter, the claimed at least one of a VDD and AudDD) is met by the display arrangement 5 (Fig. 2, column 4 lines 12-13), the claimed DTV circuitry to receive a DTV signal, to reconstruct at least one of a video stream and an audio stream from the DTV signal and to display at least one of the video stream and audio stream on the VDD or the AudDD respectively is met by the decoder 2₁-2₂₀ and sensor 3₁-

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3₂₀ (Figs. 2 and 3, and column 4 line 27-column 8 line 21), and the claimed at least one of monitoring circuitry and analysis circuitry is met by the control unit 4 (Fig.2, column 2 lines 30-33, column 4 lines 16-41, column 8 lines 22-62).

As to claim 3, the claimed antenna is inherently disclosed by Deparis (column 1 lines 25-28).

As to claim 4, the claimed recording circuitry is met by memory (column 4 lines 30-31).

As to claim 5, the claimed one of the sets of features: AV, AN and R, AV, M and R and AV, M, AN and R is met by the decoder 2₁-2₂₀ and sensor 3₁-3₂₀ (Figs. 2 and 3, and column 4 line 27-column 8 line 21), the control unit 4 (Fig.2, column 2 lines 30-33, column 4 lines 16-41, column 8 lines 22-62) and memory (column 4 lines 30-31).

As to claim 10, the claimed processor running software is inherently included in Deparis (column 4 lines 40-41).

As to claim 11, the claimed feature (generate alarms upon occurrences of errors and upon exceeding specified thresholds) is met by the passage in column 9 lines 4-20).

As to claim 12, the claimed feature (generate alarms upon occurrences of errors and upon exceeding specified thresholds upon the recorded output) is met by the passage in column 9 lines 4-20).

As to claim 18, the claimed portable chassis is inherently Included in Deparis since Deparis discloses the measuring equipment.

3. Claims 1-6, 9, 10, 15, 16, 18-20, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hullinger (6295092).

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As to claims 1 and 22, Hullinger discloses the claimed subject matter, the claimed at least one of a VDD and AudDD) is met by the user interface machines 24 (Fig. 1, column 3 lines 62-67, column 4 lines 52-56), the claimed DTV circuitry to receive a DTV signal, to reconstruct at least one of a video stream and an audio stream from the DTV signal and to display at least one of the video stream and audio stream on the VDD or the AudDD respectively is met by the capture machines 14, 16, 18 (Figs. 1 and 2, and column 3 lines 5-46, column 4 lines 19-28), and the claimed at least one of monitoring circuitry and analysis circuitry is met by the capturing machines 14, 16, 18 (Figs. 1 and 2, column 2 line 61-column 4 line 56).

As to claim 2, the claimed VDD and AudDD and the DTV circuitry is operable to reconstruct and to display both of the video stream on the VDD and the audio stream on the AudDD is met by SVGA Monitor and Sound Blaster AWE 32 Soundcard and Creative SBS-300 Speakers and the capture machines 14, 16, 18 (Fig. 2, column 3 lines 65-67).

As to claim 3, the claimed antenna is disclosed in Hullinger (column 2 lines 63-66, column 3 line 7).

As to claim 4, the claimed recoding circuitry is met by the magnetic media (column 3 line 8).

As to claim 5, the claimed one of the sets of features: AV, AN and R, AV, M and R and AV, M, AN and R is met by the capturing machines 14, 16, 18 and magnetic media (column 3 lines 5-47).

As to claim 6, the claimed quantitative circuitry to monitor at least one metric of the quality of a live DTV signal is met by Figs. 11-13, 15, column 11 lines 6-column 15 line 66, column 18 line 9-column 19 line 23).

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As to claim 9, the claimed VSB, AV and M is met by the capturing machines 14, 16, 18 and magnetic media and Figs. 11-13, 15 (column 3 lines 5-47).

As to claim 10, the claimed processor running software is inherently included in Hullinger (column 3 lines 33-35).

As to claims 15 and 23, the claimed controller operable to display pointing-device-clickable buttons on the VDD is disclosed in Hullinger (column 3, lines 32-45, column 11 lines 12-23, column 16 lines 13-22).

As to claim 16, the claimed processor running software is inherently included in Hullinger (column 3 lines 33-35).

As to claim 18, the claimed portable chassis is inherently Included in Hullinger since Hullinger discloses the capturing machine.

As to claim 19, Hullinger discloses the claimed subject matter, the claimed VDD is met by the user interface machines 24 (Fig. 1, column 3 lines 62-67, column 4 lines 52-56), the claimed DTV circuitry to receive a DTV signal, to reconstruct a video stream and an audio stream from the DTV signal is met by the capture machines 14, 16, 18 (Figs. 1 and 2, and column 3 lines 5-46, column 4 lines 19-28), and the claimed controller to perform at least one of monitoring circuitry and analysis circuitry is met by the capturing machines 14, 16, 18 (Figs. 1 and 2, column 2 line 61-column 4 line 56), and the claimed controller operable to display pointing-device-clickable buttons on the VDD is disclosed in Figs. 11, 12, 14 (column 11 lines 12-23, column 16 lines 13-22).

As to claim 20, the claimed processor running software is inherently included in Hullinger (column 3 lines 33-35).

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Allowable Subject Matter

4. Claims 7, 8, 13, 14, 17, 21 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAuliffe (6421805) discloses a rogue packet detection having packets represented by squares.

Van den Branden Lambrecht (6057882) shows a testing architecture for digital video transmission system.

Goudezeune discloses method and system for measuring the quality of digital television signals.

Chen (6188674) shows a method and apparatus for packet loss measurement in packet networks.

Woodhead (5640388) discloses a method and apparatus for removing jitter and correcting timestamps in a packet stream.

JP 10-42258 discloses an audio and video data communication method for low-speed terminal.

Swildens shows a user device and system for traffic management and content distribution over a world wide area network.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (703) 305-4738.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Sherrie Hsia
Primary Examiner
Art Unit 2614

SH
March 25, 2004